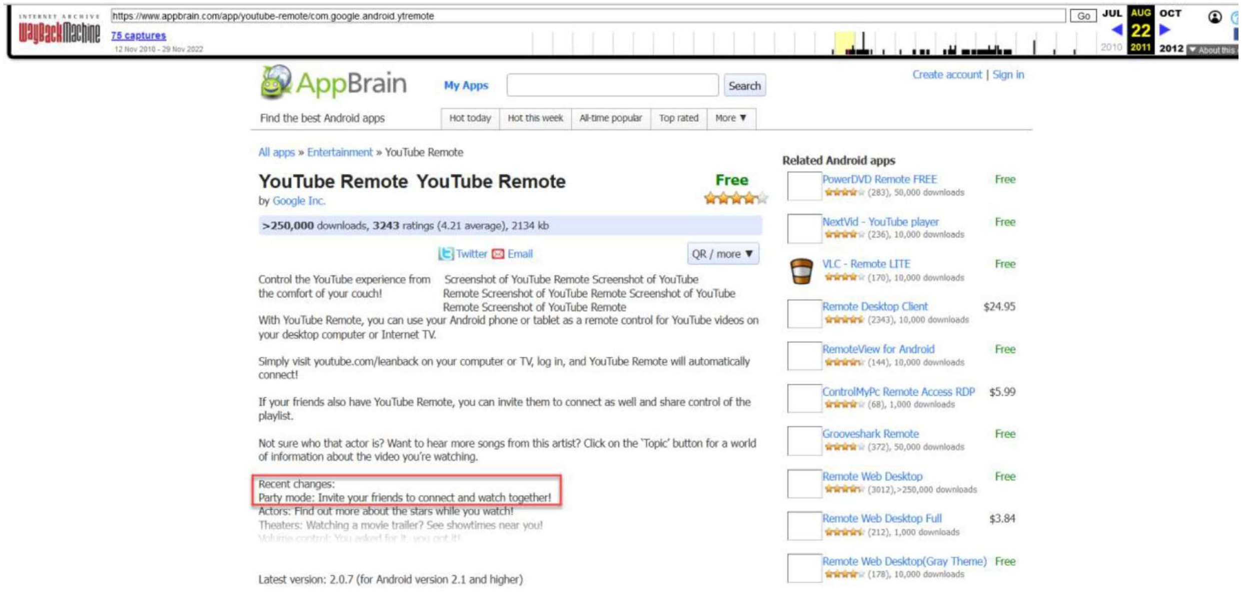
EXHIBIT 12

Filed Under Seal

REPLY EXPERT REPORT OF SAMRAT BHATTACHARJEE REGARDING
NONINFRINGEMENT OF U.S. PATENT NO. 10,779,033 AND OTHER ISSUES

61. Indeed, the opinions in my Opening '033 Report show that the claims are invalid based on earlier versions of the YouTube Remote prior art, including at least Version 2.0.7 of the YouTube Remote prior art, which was released prior to Sonos's December 30, 2011 priority date:



All apps » Entertainment » YouTube Remote

YouTube Remote YouTube Remote

by Google Inc.

Free

>250,000 downloads, 3243 ratings (4.21 average), 2134 kb

Control the YouTube experience from the comfort of your couch!

Screenshot of YouTube Remote Screenshot of YouTube Remote Screenshot of YouTube Remote Screenshot of YouTube Remote Screenshot of YouTube Remote

With YouTube Remote, you can use your Android phone or tablet as a remote control for YouTube videos on your desktop computer or Internet TV.

Simply visit youtube.com/leanback on your computer or TV, log in, and YouTube Remote will automatically connect!

If your friends also have YouTube Remote, you can invite them to connect as well and share control of the playlist.

Not sure who that actor is? Want to hear more songs from this artist? Click on the 'Topic' button for a world of information about the video you're watching.

Recent changes:
Party mode: Invite your friends to connect and watch together!
Actors: Find out more about the stars while you watch!
Theaters: Watching a movie trailer? See showtimes near you!
Volume control: You asked for it, you got it!

Latest version: 2.0.7 (for Android version 2.1 and higher)

Related Android apps

PowerDVD Remote FREE	(283), 50,000 downloads	Free
NextVid - YouTube player	(236), 10,000 downloads	Free
VLC - Remote LITE	(170), 10,000 downloads	Free
Remote Desktop Client	(2343), 10,000 downloads	$24.95
RemoteView for Android	(144), 10,000 downloads	Free
ControlMyPc Remote Access RDP	(68), 1,000 downloads	$5.99
Grooveshark Remote	(372), 50,000 downloads	Free
Remote Web Desktop	(3012),>250,000 downloads	Free
Remote Web Desktop Full	(212), 1,000 downloads	$3.84
Remote Web Desktop(Gray Theme)	(178), 10,000 downloads	Free

See Opening '033 Rpt., ¶280, fn. 86 (citing https://web.archive.org/web/20110822085859/https://www.appbrain.com/app/youtube-remote/com.google.android.ytremote and GOOG-SONOSNDCA-00075593). Dr. Schmidt does not appear to dispute that versions of the YouTube Remote application prior to Version 3.0 are prior art. Thus, the asserted claims of the '033 patent are invalid at least based upon versions of the YouTube Remote application prior to Version 3.0 alone or in combination with the other references that I discussed in my opening report. .

B. Response to Dr. Schmidt's Overview of the YouTube Remote

1. When In Party Mode, The "Source Of Truth" Was A Cloud Queue

62. Dr. Schmidt states that "[t]he source of truth (i.e., the location where the list of media items for playback was maintained) for Version 1 and 2 of the MDx protocol was the Leanback Screens, not the Lounge Server," and that the "source of truth was not moved from the

Leanback Screens to the Lounge Server until Version 3 of the MDx protocol." Schmidt Rebuttal Rpt., ¶ 159. I disagree with Dr. Schmidt.

63. Dr. Schmidt fails to appreciate that the prior art YouTube Remote system had different modes of operation: (1) party mode, and (2) non-party mode. These different modes stored the playback queue in different locations. In particular, when in party mode, "party queue" was stored in the cloud server and was the source of truth. Indeed, I showed in my opening report that the source code for the YouTube Remote prior art explains that in "party mode" the "definitive version" of the cloud-hosted party queue lives on the server and is a "remote queue." Opening '033 Rpt., ¶¶176-177, 186 (quoting SharedPlaylistContentService.java[6] and RemoteQueueManager.java[7]). If the user, adds, edits, or otherwise modifies the queue using the YTR application, the party queue stored on the MDx server changes and it is only *after* the cloud queue changes that updated information is sent to the Screens. *Id.*

64. Dr. Schmidt mischaracterizes the RemoteQueueManager's reference to the party queue as a "remote queue" by saying that "remote refers to the queue being "on the Screen(s)." As the file makes clear, the purpose of the methods in this file are to make changes to the party queue resident on the Lounge server (e.g., add and delete media items). As users of the YouTube Remote prior art make changes to the queue on the application these changes are sent to the lounge server, as evidenced by the corresponding calls to **cloudService**.asyncSendMessage(). *See, e.g.*, RemoteQueueManager.java, lines 37, 45, 55, 67, 78. These messages are received at the MDx server and processed in the file RealLoungeSessionManager.java in the method

[6] In 2022-03-22 YTRemoteLeanbackAppsServer07122011/google3/java/com/google/android/apps/ytlounge/src/com/google/android/ytremote/backend/

[7] In 2022-03-22 YTRemoteLeanbackAppsServer07122011/google3/java/com/google/android/apps/ytlounge/src/com/google/android/ytremote/backend/

"handlePartyQueueMessage," which the comment says is a "message that changes the party queue." RealLoungeSessionManager.java, lines 670-763. It is instructive to note that if a user adds items to a non-existent party code, this code creates a new party queue at the MDx server. *Id.*, line 695, 710. The MDx server implements queue management for the party queue, including "add" to the queue, "remove" from the queue, "move" items from within the queue, clear, etc. *Id.* These queue management functions are similiar to the queue management functions provided by Sonos in 2011 and the Cloud Queue for the accused YouTube applications that was at issue in the Patent Showdown.

Sonos User Manual (Dkt. No. 200-12)	**Cloud Queue In Accused Applications**
Queue is an ordered list of tracks. *See* Page 4-2 ("What is a music queue? When you make music selections, they are added to a list of tracks called a music queue.").	Queue is an ordered list of media items. See SharedQueue.java, line 35.
Tracks can be removed from the queue. *See* Page 4-10 ("Managing the Music Queue… Removing a track from the queue.")	Media items can be removed from the queue. See SharedQueue.java, line 56.
Tracks can be moved within the queue. *See* Page 4-11 ("Managing the Music Queue… Moving a track within the queue.")	Media items can be moved within the queue. See SharedQueue.java, line 51.

65. Dr. Schmidt cites to portions of the deposition testimony of Janos Levai stating that the YouTube Remote prior art "used an MDx protocol where the source of truth was the Leanback Screen." Schmidt Rebuttal Rpt., ¶ 159 (citing 1-6-2023 Levai Tr. at 30:18-31:9, 34:4-14, 36:22-37:3 and 5-4-2022 Levai Tr. at 105:6-22). None of the testimony cited by Dr. Schmidt asks Mr. Levai about "party mode" and whether the source of truth was the Leanback Screen when in party mode. Rather, Mr. Levai indicated his testimony was "for non-party Mode use cases":

> Q Okay. For all of the versions of YouTube Remote with Party Mode from June 2011 through January of 2012, they used a version of the MDx 3 protocol where the source of the truth was on the Leanback screen; is that correct?
>
> MR. HEFAZI: Objection, form.